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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,886	09/19/2001	Fabrizio Panizzolo	163-345	9848

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EXAMINER

ILAN, RUTH

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 10/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/955,886

Applicant(s)

PANIZZOLO, FABRIZIO

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8,9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" has been used to designate both the bevel at the top of the casing, near the input shaft and the bevel at the bottom of the casing near the ring gear for the wheel hub. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because Figures 3 and 4 are section views, and are not shown correctly. The plane upon which a sectional view is taken should be indicated on the view from which the section is cut (in the instant case Figure 2) by a broken line. The ends of the broken line should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view, and should have arrows to indicate the direction of sight. Hatching must be used to indicate section portions of an object, and must be made by regularly spaced oblique parallel lines spaced sufficiently apart to enable the lines to be distinguished without difficulty. Hatching should not impede the clear reading of the reference characters and lead lines. If it is not possible to place reference characters outside the hatched area, the hatching may be broken off wherever reference characters are inserted. Hatching must be at a substantial angle to the surrounding axes or principal lines, preferably 45°. A cross section must be set out and drawn to show all of the materials as they are shown in the view from which the cross section was taken. The parts in cross section must show proper material(s) by hatching with regularly spaced parallel oblique strokes, the space between strokes being chosen on the basis of the total area to be hatched. The various parts of a cross section of the same item should be hatched in the same manner and should accurately and graphically indicate the nature of the material(s) that is illustrated in cross section. The hatching of juxtaposed different elements must be angled in a different way. In the case of large areas, hatching may be confined to an edging drawn around the entire inside of the outline of the area to be hatched. Different types of hatching should have different conventional meanings as regards the nature of

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a material seen in cross section. (see MPEP 608.02(h).) A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: The specification is missing section headings, as are standard in United States patent practice. Additionally, on page 3, lines 11-13 the specification refers to the claims for description of the invention. This is contrary to United States Patent practice, and is objected to. The Examiner suggests removing this language from the specification.

5. The specification is objected to because it is not clear what the modifier "ample" is intended to mean with respect to the bevels (26). See page 6, line 11 and page 7, line 17. Ample is a relative term that is commonly used to mean "generous or more than adequate". The Examiner is uncertain if this is the intention in the instant application, or if there is an error in the translation.

Appropriate correction is required.

### ***Claim Objections***

6. Claims 8 and 9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim (in the instant application claim 3 is a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 8 and 9 have not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with errors.

Claim 1 recites "simplified" in line 1 with reference to the structure, and "ample" in line 12 with reference to the bevels. The terms "simplified" and "ample" in claim 1 are relative terms which renders the claim indefinite. The term "simplified" and the term "ample" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Especially regarding ample it is unclear what is required, size or number, and in relation to what other dimension, if size is intended. Claim 4 also recites "ample" in line 4. Further regarding claim 1, line 13, it is unclear why bevels is pluralized. The specification does not provide support for plural bevels at the bottom area of the arm. Additionally claim 1 recites "the side of a vehicle" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites "a ring bevel gear (18), which meshes with a bevel pinion (19)" in lines 4 and 5. Claim 2 also recites "another bevel pinion...a further ring bevel gear" These two pairs of bevel gears have been introduced in claim 1, and as such it is unclear if further gears are intended, or if these pairs of gears are the same as the ones previously recited.

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Claim 4 recites "said input arm" in line 4. There is insufficient antecedent basis for this limitation in the claim. It will be assumed that "said input arm" is intended to read "said input shaft". Further regarding claim 4, the limitation "a side area of said arm, connected to said input arm" is unclear. As best understood based on the specification, it will be assumed that what is intended is that a side area of the arm in the area near the input shaft includes a bevel.

Claim 5 recites "the outside of the vehicle" in line 5. There is insufficient antecedent basis for this limitation in the claim. Additionally regarding claim 5, the phrase "said angle being rotated with respect to the outside of said vehicle" is unclear. It is not known, how an angle is rotated. Is this limitation meant to establish a 0° point for measurement of the angle?

Claim 7 recites the broad recitation "said angle ( $\beta$ ) is between 3° and 40°, and the claim also recites "preferably approximately 15°", which is the narrower statement of the range/limitation. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the

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claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. As best understood, claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wildey (US 4064956.) Wildey teaches an engine half trolley set at the side of a vehicle and including a casing (46,38,42) from which there comes out a wheel hub (148) for a wheel (28.) An input shaft (36) to the half trolley is connected to a differential (34) for the vehicle. In between the input shaft and the wheel hub there are provided two bevel-gear pairs (81,86,130,142) housed in an arm (32) forming part of the casing. One bottom area of the arm (at 110, see Figure 3) has a bevel. Regarding claim 2, the gear pairs include a ring bevel gear (81) which meshes with a bevel pinion (86) set at one first end of a transmission shaft (88.) Please note, that as broadly recited, the transmission shaft is "carrying" at it second end another bevel pinion (130, via midshaft connection 128.) The second bevel pinion engages with a further ring bevel gear ( 142) fixed on a shaft (144) connected to the wheel hub (at 146.) Regarding claim 3, the wheel hub is set on an extension (150) of the arm. Regarding claim 4, as best

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understood based on the 112 2<sup>nd</sup> paragraph interpretation noted above, a side area of the arm, (32) at a location near the input shaft includes a bevel (A, as noted by the Examiner in Figure 3.) Regarding claims 5-7, the longitudinal axis of the arm coincides with the longitudinal axis of rotation of the transmission shaft (88) which is supported on bearings (92.) Further regarding claims 5-7, as broadly claimed, the longitudinal axis of the arm is rotated with respect to the outside of the vehicle (that is a horizontal axis located outside of the vehicle) approximately 15°. (See Examiner's notes on Figure 4.)

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gokin et al. teaches an engine half trolley with a beveled casing. Sonnleitner et al. teaches that it is known in the art to provide a beveled gear train in a walking beam for an industrial vehicle. Charley, Van Doorne et al., North ('535 and '723), Hollmann et al., and Nelsen teach wheel arms of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ruth Ilan  
Examiner  
Art Unit 3616

*Ruth Ilan*  
10/21/02

RI  
October 21, 2002